

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

JOSHUA SHUMAN, a minor by and through his mother and natural guardian, TERESA SHERTZER, and TERESA SHERTZER Plaintiffs,
v.

PENN MANOR SCHOOL DISTRICT,
PENN MANOR SCHOOL BOARD,
GARY B. CAMPBELL, individually and as Superintendent of the Penn Manor School District,
AND
DONALD STEWART, individually and as Acting Superintendent of the Penn Manor School District,
AND
JANICE M. MINDISH, individually and as Principal of Penn Manor High School of the Penn Manor School District,
AND
BRIAN D. BADDICK, individually and as Assistant Principal of Penn Manor High School of the Penn Manor School District,
AND
PHILIP B. GALE, individually and as Dean of Students of Penn Manor High School of the Penn Manor School District,
AND
CAROLE FAY, individually and as a teacher and Agriculture Coordinator at Penn Manor High School of the Penn Manor School District,

Defendants.

CIVIL ACTION
No. 02-CV-3594

(GARDNER)

PLAINTIFFS' SECOND AMENDMENT TO TRIAL MEMORANDUM

Plaintiffs, Joshua Shuman and Teresa Shertzer, by and through their undersigned counsel, file the within Second Amendment to Trial Memorandum. The purpose of the second amendment is to add additional Exhibits which were omitted from Plaintiffs' Trial Memorandum and Amendment to Trial Memorandum. Plaintiffs referred to the use of the deposition transcripts in their Trial Memorandum, but omitted them as actual exhibits. These deposition transcripts are admissible pursuant to Federal Rule of Civil Procedure 32 and Federal Rule of

Evidence 801 and 804. The following are the Exhibits which were omitted and Plaintiffs wish to add to their Exhibit lists in their Trial Memorandum and Amendment to Trial Memorandum:

- P-40 Janice Mindish Deposition Transcript
- P-41 Brian Baddick Deposition Transcript
- P-42 Philip Gale Deposition Transcript
- P-43 Donald Stewart Deposition Transcript
- P-44 Carole Fay Deposition Transcript
- P-45 Jay Shaiebly Deposition Transcript
- P-46 Jennifer Nickle Deposition Transcript
- P-47 Jeremy Fritsch Deposition Transcript
- P-48 Shawn Bachman Deposition Transcript

Respectfully submitted,

BY: /s/ Deirdre A. Agnew
DEIRDRE A. AGNEW, ESQUIRE
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DATE: February 23, 2004

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CERTIFICATE OF SERVICE

I, Deirdre A. Agnew, Esquire, hereby certify that on the 23rd day of February, 2004, a true and correct copy of Plaintiffs' Second Amendment to Trial Memorandum, was served on Defendants or their counsel via first class, regular mail, postage prepaid, at the following address:

Ellis H. Katz, Esquire
Jason R. Wiley, Esquire
Sweet, Stevens, Tucker & Katz, LLP
331 Butler Avenue
P.O. Box 5069
New Britain, PA 18901

BY: /s/ Deirdre A. Agnew
DEIRDRE A. AGNEW, ESQUIRE